

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT  
DEPARTMENT RESOURCE PROTECTION DIVISION,**

**Complainant,**

**v.**

**No. SWB 20-001 (CO)**

**BL SANTA FE, LLC,**

**and**

**HRV HOTEL PARTNERS, LLC,**

**Respondents.**

**NEW MEXICO ENVIRONMENT DEPARTMENT'S  
MOTION TO SCHEDULE HEARING AND ISSUE NOTICE OF DOCKETING**

COMES NOW Complainant the Resource Protection Division ("Division") within the New Mexico Environment Department ("NMED"), pursuant to 20.1.5.100(F)(2) and 20.1.5.200(D) NMAC, and moves that the hearing officer to direct the Office of Public Facilitation hearing clerk to issue a Notice of Docketing, and to schedule a public hearing in this matter. As grounds for this motion, the Division states as follows:

- 1) On January 29, 2020, NMED's Resource Protection Division issued an Administrative Compliance Order to BL Santa Fe, LLC and HRV Hotel Partners, LLC (collectively "Bishop's Lodge") requiring compliance with the Solid Waste Act, NMSA 1978, Sections 74-9-1 to -43, and the Solid Waste Rules, Title 20, Chapter 9 New Mexico Administrative Code ("NMAC"), and assessing a civil penalty. NMED ACO SWB 20-001 (CO) ("ACO").

- 2) Specifically, the ACO alleged that Bishop's Lodge failed to register as a hauler of special waste, failed to manifest special waste before transport, failed to sufficiently characterize special waste, and improperly disposed of special waste. ACO, ¶¶ 18-21.
- 3) The ACO requires Bishop's Lodge to:
  - a. Cease or refrain from future special waste transportation unless or until it registers as a hauler;
  - b. Assure the use of special waste manifests during disposal;
  - c. Assure sufficient characterization of sludge during disposal;
  - d. For all future disposals, only dispose of sludge at a solid waste facility permitted to accept sludge;
  - e. Arrange with the Pueblo of Pojoaque for removal and remediation of improperly disposed sludge. ACO, ¶ 24.
- 4) Further, the ACO assess a civil penalty of \$59,000 for the alleged violations. ACO, ¶ 22.
- 5) The ACO advises Bishop's Lodge that unless it submits a written request to the Secretary for a public hearing within 30 days after service, the ACO becomes final. ACO, ¶¶ 26-30.
- 6) Any hearing associated with the ACO is governed by NMED's Adjudicatory Procedures, 20.1.5 NMAC. 20.1.5.2 NMAC; ACO, ¶ 31.
- 7) On March 9, 2020, the parties filed a Joint Motion and Stipulation to Extend Time for Respondents to File and Answer and Request for Hearing ("Joint Motion for Extension").
- 8) The Secretary of NMED granted the Joint Motion for Extension, setting a deadline of March 30, 2020, for the Answer and Request for Hearing.

- 9) On March 30, 2020, Bishop's Lodge filed an Answer and Request for Hearing ("Hearing Request") wherein it requested a compliance order hearing pursuant to the Solid Waste Act and Solid Waste Rules.
- 10) Pursuant to the NMED Adjudicatory Procedures, 20.1.5.200(B) NMAC, the hearing clerk shall issue a notice of docketing as soon as practicable after receiving the Hearing Request shall issue a Notice of Docketing
- 11) Pursuant to 20.1.5.200(C) NMAC, the hearing officer shall schedule a hearing within 90 days of receipt of request for hearing.
- 12) Pursuant to 20.1.5.100(F)(2)(b)(ii) NMAC, the hearing officer has authority to "rule upon motions, procedural requests, offers of proof, and issue all necessary orders".
- 13) To date, the hearing clerk has not issued a Notice of Docketing.
- 14) To date, the hearing officer has not scheduled a hearing in this matter.
- 15) Respondents do not oppose this motion.

WHEREFORE, the Division respectfully requests that the hearing officer direct issuance of a Notice of Docketing and schedule a public hearing in this matter.

Respectfully Submitted,

NEW MEXICO ENVIRONMENT  
DEPARTMENT

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion to Schedule Hearing and Issue Notice of Docketing* was mailed electronically on the following counsel of record on September 29, 2021:

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